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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FORTY-SEVENTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 24, 2012**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Hammond, Malepeai, and Werk, absent and formally excused by the Chair; and Senator McKenzie, absent and excused. [District 10 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Daniel Kelley, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 23, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 24, 2012

The JUDICIARY AND RULES Committee reports that [S 1342](#), [S 1343](#), [S 1344](#), [SCR 121](#), and [SCR 122](#) have been correctly printed.

DARRINGTON, Chairman

[S 1342](#), [S 1343](#), and [S 1344](#) were referred to the State Affairs Committee.

[SCR 121](#) and [SCR 122](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 23, 2012

The TRANSPORTATION Committee reports out [S 1317](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HAMMOND, Chairman

There being no objection, [S 1317](#) was referred to the Fourteenth Order of Business, General Calendar.

February 23, 2012

The TRANSPORTATION Committee reports out [S 1319](#) with the recommendation that it do pass.

HAMMOND, Chairman

[S 1319](#) was filed for second reading.

February 23, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [HCR 33](#) with the recommendation that it do pass.

CORDER, Chairman

[HCR 33](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 23, 2012

The HEALTH AND WELFARE Committee reports out [S 1309](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1309](#) was filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 23, 2012

Dear Mr. President:

I transmit herewith [H 396](#), [H 499](#), [H 480](#), [H 519](#), [H 452](#), [H 521](#), [H 482](#), [H 484](#), [H 500](#), [H 501](#), [H 534](#), [HCR 36](#), and [HJM 10](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 396](#), [H 499](#), [H 480](#), [H 519](#), [H 452](#), [H 521](#), [H 482](#), [H 484](#), [H 500](#), [H 501](#), [H 534](#), [HCR 36](#), and [HJM 10](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Jim Rehder was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Nuxoll, seconded by Senator Stennett, the Gubernatorial appointment of Jim Rehder as a member of the Idaho Lottery Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Judiciary and Rules Committee report relative to the Idaho State Bar appointment of Joel P. Hazel was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Nuxoll, seconded by Senator Stennett, the Idaho State Bar appointment of Joel P. Hazel as a member of the Idaho Judicial Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Idaho State Bar appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator McKenzie was recorded present at this order of business.

The President announced that [SJM 103](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Keough, seconded by Senator Broadsword, [SJM 103](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

**S 1346
BY FINANCE COMMITTEE
AN ACT**

RELATING TO LIVESTOCK PROCEEDS; AMENDING SECTION 25-1174, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS THAT ESCHEAT TO THE STATE SHALL BE DEPOSITED INTO THE STATE BOARD OF EDUCATION'S MISCELLANEOUS REVENUE FUND FOR APPROPRIATION TO CERTAIN PUBLIC EDUCATION AND/OR HIGHER EDUCATION PROGRAMS AS RECOMMENDED BY THE IDAHO CATTLE FOUNDATION, INC., AND TO PROVIDE A DATE BY WHICH SUCH RECOMMENDATION SHALL BE GIVEN; AND PROVIDING AN EFFECTIVE DATE.

[S 1346](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 396](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 499](#), [H 521](#), and [H 534](#), by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

[H 480](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 519](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 452](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 482](#), by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 484](#), by Local Government Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 500](#) and [H 501](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[HCR 36](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

[HJM 10](#), by Health and Welfare Committee, was introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 455](#) and [H 475](#), by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

[S 1324](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 446](#), by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[S 1305](#), by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

[SJR 106](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1285](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS—None.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1285](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1286](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Heider, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Nuxoll, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 27.

NAYS—Davis, Hill, Mortimer, Pearce. Total - 4.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1286](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1289](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS—None.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1289](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1290](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS—None.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1290](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1333](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Stennett, Tippets, Toryanski, Winder. Total - 25.

NAYS—Bilyeu, Bock, Johnson, LeFavour, Schmidt, Vick. Total - 6.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1333](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, [S 1294](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1299](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS—None.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1299](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1256](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Heider, Hill, Keough, Lodge, McKague, McKenzie, Siddoway, Smyser, Winder. Total - 17.

NAYS—Bilyeu, Bock, Corder, Goedde, Johnson, LeFavour, Malepeai, Mortimer, Nuxoll, Pearce, Schmidt, Stennett, Tippets, Toryanski, Vick, Werk. Total - 16.

Absent and excused—Hammond. Total - 1.

Paired and voting included in roll call:

AYE - Darrington	NAY - Malepeai
AYE - Davis	NAY - Werk

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1256](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 375](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippetts arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 31.

NAYS—None.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 375](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, [H 438](#) retained its place on the Third Reading Calendar for one legislative day.

[H 369](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 31.

NAYS—None.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 369](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, [H 405](#) retained its place on the Third Reading Calendar for one legislative day.

[H 407](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 31.

NAYS—None.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 407](#) passed, title was approved, and the bill ordered returned to the House.

[H 408](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 31.

NAYS—None.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 408](#) passed, title was approved, and the bill ordered returned to the House.

[H 409](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 31.

NAYS—None.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 409](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 469](#) retained its place on the Third Reading Calendar for one legislative day.

[H 473](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippetts arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 31.

NAYS—None.

Absent and excused—Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 473](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, [SJR 104](#) was recommitted to the Resources and Environment Committee.

On request by Senator Winder, granted by unanimous consent, [Senate Joint Resolution 106](#) was placed at the head of the Third Reading Calendar, followed by remaining Senate bills, followed by House bills.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Bock, by voice vote, the Senate adjourned at 12 noon until the hour of 10:30 a.m., Monday, February 27, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary